

University of North Texas at Dallas
Fall 2016
SYLLABUS

CJUS / 4200 / Section 001 / Criminal Procedure / 3 HRS			
Department of	Criminal Justice	School of	Liberal Arts and Sciences
Instructor Name:	Prof. Dylan Malagrino, Esq.		
Office Location:	DAL2: 302A.		
Office Phone:			
Email Address:	dylan.malagrino@untdallas.edu		
Office Hours:	Thursdays from 4:00pm to 6:00pm; also, By Appointment.		
Course Format/Structure:	100% Face to Face.		
Classroom Location:	DAL2: 303.		
Class Meeting Days & Times:	Thursdays, 7:00pm to 9:50pm.		
Course Catalog Description:	4200. Criminal Procedure. 3 hours. An examination of the constitutional and statutory bases and judicial interpretations of the procedures governing the administration of criminal justice.		
Prerequisites:	CJUS 2100 and CJUS 3201, or equivalents.		
Co-requisites:			
Required Text:	Kamisar, Israel, LaFave, King, Kerr & Primus, BASIC CRIMINAL PROCEDURE (14th ed. 2015), and the 2015 SUPPLEMENT.		
Recommended Text and References:			
Access to Learning Resources:	UNT Dallas Library: (Founders Hall) phone: (972) 780-1616 web: http://www.untdallas.edu/library e-mail: Library@untdallas.edu UNT Dallas Bookstore: (Building 1) phone: (972) 780-3652 web: http://www.untdallas.edu/bookstore e-mail: untdallas@bkstr.com		
Course Goals/Overview: The goals of this course are as follows -			
	<p>This is a basic course in constitutional criminal procedure. By the end of the semester, you should have familiarity with the Fourth, Fifth, and Sixth Amendments to the U.S. Constitution, as interpreted by the U.S. Supreme Court. Also, this is a course about the criminal justice system and those actors, who work within it, including: police, prosecutors, judges, and defense lawyers. And, this course is very much about individuals and communities—how ordinary people interact with police and the criminal justice system, and how we want communities to be policed, protected, and respected.</p> <p>This is a monumental time in America, and in Dallas in particular, to study these topics. The recent killings of Philando Castile and Alton Sterling, the five Dallas servicemen, and others nationwide, have the whole world discussing U.S. Criminal Procedure. The prior killings of Michael Brown and Eric Garner, and the investigations that ensued, already had galvanized so many people and had spurred such efforts, like the “Black Lives Matter” movement, toward reform and acknowledgement. Plus, being an election year, the presidential candidates are sure to debate the policies we will discuss in class, so please follow the news as it will inform our in-class discussions and instruction. I hope the course will provide a strong foundation for knowing the structures and practices of our criminal justice system so that we can better understand police regulation and investigation procedures, as well as best comprehend the barriers to and opportunities for reforming the criminal justice system: as our world changes, so too must our systems operating within it.</p>		

Please review this syllabus thoroughly. You will note that among other topics, we will address law enforcement, stops, searches, seizures, warrants, investigation practices, and statements and confessions. Please understand that our in-class discussions might lead to topics we have on the agenda later in the semester, and I might steer our conversations to the specific topics we planned to cover in the present, and, as might be educationally necessary, we will postpone some topics until later in the semester after the whole class has prepared to discuss the topic fully.

It will be a demanding but exciting semester. My goals for your achievement are high, in keeping with your tremendous potential.

Student Learning Objectives/Outcomes (SLO): At the end of this course, students will be able to:

1	Explain the historical development, purpose, and current contours of the Fourth, Fifth, and Sixth Amendments to the U.S. Constitution;
2	Understand and describe the procedural framework for adjudicating Fourth, Fifth, and Sixth Amendment issues in the trial courts, as well as on direct appeal and collateral review;
3	Analyze fact patterns with Fourth, Fifth, and Sixth Amendment issues, and plan appropriate law enforcement procedure and predict likely outcomes;
4	Analyze, from a public policy perspective, Fourth, Fifth, and Sixth Amendment interpretations, and proposed legislation related to the police, prosecution, and defense functions;
5	Demonstrate critical thinking by identifying and explaining the constitutional bases for admitting or excluding evidence and statements obtained by the government during a criminal investigation;
6	Apply learned concepts by assessing the strengths and weaknesses of different mechanisms of law enforcement and of different restraints that regulate police;
7	Understand and analyze the roles of professionals in the criminal justice system, including police, judges, prosecutors, and defense counsel.
8	Know and comprehend the function of police and of prosecutorial discretion, and any limits to exercising that discretion;
9	Understand and analyze how constitutional law decisions influence police and affect the individuals and communities whom officers serve; and,
10	Identify and discuss issues of race, ethnicity, immigration status, youth, and other group characteristics as they relate to constitutional criminal procedure and policing.

Course Outline

This schedule is subject to change by the instructor. Any changes to this schedule will be communicated in class or via class email or Blackboard announcement. Additional readings and activities may be added, these will be noted in the Readings and Activities/Assignments sections.

Timeline	Topics	Related SLO	Readings/Activities/Assignments
Class #1 August 25, 2016	<ul style="list-style-type: none"> Introduction to the Course. Introduction to the Bill of Rights; Federalism; and, the Scope of Federal Power. Introduction to the Criminal Justice System. Introduction to The Fourth Amendment. Introduction to Protected Areas and Interests. Introduction to The Sixth Amendment. Introduction to the Assistance of, and the Right to Counsel. 	1, 2, 7, 8, 9.	<p>Introduction to the Fourth Amendment</p> <ul style="list-style-type: none"> Text, pgs. 5(Section B)–17(up to Section C); Supp., Appendix A (Amendment IV to the U.S. Constitution). Text, pgs. 42–43 (Dripps excerpt). Text, pgs. 54–59 (Maclin excerpt, Justice Department Policy). <p>Who Has a Right to Counsel?</p> <ul style="list-style-type: none"> Text, pgs. 60–76(up to Section B). Text, pgs. 82(Section 2)–88(up to Section 3). <p>What is Assistance of Counsel and When is the Right to Counsel Triggered?</p> <ul style="list-style-type: none"> Supp., Appendix A (Amendment VI to the U.S. Constitution). Text, pgs. 76(Section B)–82(up to Section 2). Text, pgs. 124–34(up to Notes and Questions).
Class #2 September 1, 2016	<ul style="list-style-type: none"> The Fourth Amendment, <i>continued</i>. Protected Areas and Interests, <i>continued</i>. Third-Party Doctrine. Probable Cause. 	2, 3.	<p>Protected Areas & Interests: When is the Fourth Amendment Implicated?</p> <ul style="list-style-type: none"> Text, pgs. 242–47(up to <i>United States v. Jones</i>). Text, pgs. 260(Note 7)–262(up to Note 9). <p>Protected Areas & Interests: Enhancing the Senses and the Return of Trespass</p> <ul style="list-style-type: none"> Text, pgs. 262–64(Note 9). Text, pgs. 247(<i>United States v. Jones</i>)–60(up to Note 7). <p>Third Party Doctrine</p> <ul style="list-style-type: none"> Text, pgs. 475(<i>Smith v. Maryland</i>)–86(up to Section 2). <p>The Probable Cause Standard</p> <ul style="list-style-type: none"> Text, pgs. 267(Section 3)–86(up to Section 4).
Class #3 September 8, 2016	<ul style="list-style-type: none"> Probable Cause, <i>continued</i>. Search Warrants. 	2, 3, 4, 6, 9, 10.	<p>Search Warrants</p> <ul style="list-style-type: none"> Text, pgs. 286(Section 4)–304(up to Section 5).
Class #4 September 15, 2016	<ul style="list-style-type: none"> Spillover Materials. Review for Test #1 	1, 2, 3, 4, 6, 7, 8, 9, 10.	Test #1
Class #5 September 22, 2016	<ul style="list-style-type: none"> The Stop and Frisk. The Scope of a <i>Terry</i> Detention, Protective Sweeps, and Other Brief Detentions. 	1, 2, 7, 8, 9.	<p><i>Terry v. Ohio</i>: The Stop and Frisk; The Scope of a <i>Terry</i> Detention, Protective Sweeps, and Other Brief Detentions</p> <ul style="list-style-type: none"> Text, pgs. 382(Section 8)–412(up to Section 9).
Class #6 September 29, 2016	<ul style="list-style-type: none"> Warrantless Arrests and Searches of the Person. Unnecessary, Pretextual, and Arbitrary Arrests. Minor Traffic or Municipal Infractions. Other Searches of the Person. 	2, 3.	<p>Warrantless Arrests and Searches of the Person</p> <ul style="list-style-type: none"> Text, pgs. 304(Section 5)–38(up to Section 6).

Class #7 October 6, 2016	<ul style="list-style-type: none"> Warrantless Entry & Searches of Premises. Warrantless Entry & Searches of Vehicles and Containers. 	2, 3, 4, 6, 9, 10.	Warrantless Entry & Searches of Premises <ul style="list-style-type: none"> Text, pgs. 338(Section 6)–57 Warrantless Entry & Searches of Vehicles and Containers <ul style="list-style-type: none"> Text, pgs. 358–82.
Class #8 October 13, 2016	<ul style="list-style-type: none"> Spillover Materials Review for Test #2. 	1, 2, 3, 4, 6, 7, 8, 9, 10.	Test #2
Class #9 October 20, 2016	<ul style="list-style-type: none"> Statements. Introduction to <i>Miranda</i>. 	1, 2, 7, 8, 9.	Introduction to Interrogations: The Voluntariness Test & Its Alternatives <ul style="list-style-type: none"> Supp., Appendix A (Amendments V, VI, and XIV to the U.S. Constitution). Text, pgs. 505–45(through Justice Kennedy’s Question). Miranda & The Custody Requirement <ul style="list-style-type: none"> Text, pgs. 556(Note 5)–64(up to Note 7).
Class #10 October 27, 2016	<ul style="list-style-type: none"> Interrogations. Routine Bookings. Public Safety, Rescue Doctrine, and Torture. <i>Miranda, continued</i>. 	2, 3.	Interrogation & Routine Booking <ul style="list-style-type: none"> Text, pgs. 564(Note 7)–88(up to Note 17). Adequacy of Warnings & Invoking/Waiving the Miranda Right to Counsel <ul style="list-style-type: none"> Text, pgs. 552–56(up to Note 5) Text, pgs. 588(Note 17)–95(up to Note 25). Text, pgs. 605(Note 28)–08(up to Note 29). Text, pgs. 633(Note 35)–35(up to Note 37).
Class #11 November 3, 2016	<ul style="list-style-type: none"> <i>Miranda, continued</i>. 	2, 3, 4, 6, 9, 10.	Invoking/Waiving the Miranda Right to Silence <ul style="list-style-type: none"> Text, pgs. 608(Note 29)–22(up to Note 31). Second-Level Miranda Safeguards <ul style="list-style-type: none"> Text, pgs. 595(Note 25)–605(up to Note 28). Other Implications of Miranda <ul style="list-style-type: none"> Text, pgs. 626(Note 32)–33(up to Note 34). Text, pgs. 635(Note 37)–36.
Class #12 November 10, 2016	<ul style="list-style-type: none"> Spillover Materials. Review for Test #3. 	1, 2, 3, 4, 6, 7, 8, 9, 10.	Test #3
Class #13 November 17, 2016	<ul style="list-style-type: none"> Remedies for Constitutional Criminal Procedure Violations. The Exclusionary Rule. Fruits of the Poisonous Tree. 	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.	The Exclusionary Rule <ul style="list-style-type: none"> Text, pgs. 202– 42(up to Section 2). Fruits of the Poisonous Tree <ul style="list-style-type: none"> Text, pgs. 842(Section 2)–71.
Class #14 December 1, 2016	<ul style="list-style-type: none"> Spillover Materials. Exam Review 	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.	

Course Evaluation Methods

This course will utilize the following instruments to determine student grades and proficiency of the learning outcomes for the course.

Tests: three, one-hour, in-class, written tests each designed to measure knowledge and comprehension of presented course materials for a segment of the course.

Exam: one, three-hour, final exam designed to measure knowledge, comprehension, application, and analysis of presented course materials for the entire course. The Registrar's Office has tentatively scheduled the final exam in this course for Thursday, December 8, 2016 at 7:00pm. For this course, the exam will be from 7:00pm to 10:00pm.

Assignments: ten, take-home, written assignments designed to guide and direct your study of the daily course materials, supplement and reinforce the substance of the daily course materials, and measure ability to apply presented course materials.

Participation: class discussion designed to evaluate analytical ability and to learn from others' abilities. Please note: computers, laptops, tablets, cellular phones, recording equipment, and other technological devices are not permitted for use during class.

***There will be no "make-up" work except as otherwise required by state and/or federal law, or by university policy.

Grading Matrix:

Instrument	Measures SLO	Value (points or percentages)	Total
Tests	1, 2, 3, 4, 6, 7, 8, 9, 10.	3 tests at 100 points each.	300
Assignments	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.	10 assignments at 30 points each.	300
Participation	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.	Measured daily based on quality of class discussion and contributions for an entire course total of 100 points.	100
Final Exam	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.	1 exam at 300 points.	300
TOTAL:			1000

Grade Determination

A = 820 pts or above; i.e. 82% or better.

B = 660–819 pts; i.e. 66–82 %.

C = 340–659 pts; i.e. 34–66 %.

D = 180–339 pts, i.e. 18–34%.

F = 179 pts or below; i.e. less than 18%.

University Policies and Procedures

Students with Disabilities (ADA Compliance): The University of North Texas at Dallas makes reasonable academic accommodation for students with disabilities. Students seeking accommodations must first register with the Disability Services Office (DSO) to verify their eligibility. If a disability is verified, the DSO will provide you with an accommodation letter to be delivered to faculty to begin a private discussion regarding your specific needs in a course. You may request accommodations at any time, however, DSO notices of accommodation should be provided as early as possible in the semester to avoid any delay in implementation. Note that students must obtain a new letter of accommodation for every semester and must meet/communicate with each faculty member prior to implementation in each class. Students are strongly encouraged to deliver letters of accommodation during faculty office hours or by appointment. Faculty members have the authority to ask students to discuss such letters during their designated office hours to protect the privacy of the student. For additional information see the Disability Services Office website at <http://www.untDallas.edu/disability>. You may also contact them by phone at 972-338-1777; by email at UNTDdisability@untDallas.edu or at Founders Hall, room 204. (UNTD Policy 7.004)

CoursEval Policy: Student's evaluations of teaching effectiveness is a requirement for all organized classes at UNT Dallas. This short survey will be made available to you at the end of the semester, providing you a chance to comment on how this class is taught. I am very interested in the feedback I get from students, as I work to continually improve my teaching. I consider students' evaluations to be an important part of your participation in this class.

Assignment Policy: According to the instructor's discretion while working in concert with the division/program's guidelines.

Exam Policy: Exams should be taken as scheduled. No makeup examinations will be allowed except for documented emergencies (See Student Handbook).

Academic Integrity: Academic integrity is a hallmark of higher education. You are expected to abide by the University's code of Academic Integrity policy. Any person suspected of academic dishonesty (i.e., cheating or plagiarism) will be handled in accordance with the University's policies and procedures. Refer to the Student Code of Academic Integrity (Policy 7.002) at http://www.untDallas.edu/sites/default/files/page_level2/pdf/policy/7.002%20Code%20of%20Academic_Integrity.pdf Refer to the Student Code of Student Rights, Responsibilities and Conduct at http://www.untDallas.edu/sites/default/files/page_level2/hds0041/pdf/7_001_student_code_of_conduct_may_2014.pdf Academic dishonesty includes, but is not limited to, cheating, plagiarizing, fabrication of information or citations, facilitating acts of dishonesty by others, having unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, or tampering with the academic work of other students. In addition, all academic work turned in for this class, including exams, papers and written assignments must include the following statement: *"On my honor, I have not given, nor received, nor witnessed any unauthorized assistance that violates the UNTD Academic Integrity Policy."*

Bad Weather Policy: Campus facilities will close and operations will be suspended when adverse weather and/or safety hazards exist on the UNTD campus or if travel to the campus is deemed dangerous as the result of ice, sleet or snow. In the event of a campus closure, the Marketing and Communication Department will report closure information to all appropriate major media by 7 a.m. That department will also update the UNTD website, Facebook and Twitter with closing information as soon as it is possible. For more information please refer to <http://www.untDallas.edu/police/resources/notifications>

Attendance and Participation Policy:

The University attendance policy is in effect for this course. Please refer to Policy 7.005 Student Attendance at <http://www.untDallas.edu/hr/upol>

Diversity/Tolerance Policy: Students are encouraged to contribute their perspectives and insights to class discussions. However, offensive and inappropriate language (swearing) and remarks offensive to others of particular nationalities, ethnic groups, sexual preferences, religious groups, genders, or other ascribed statuses will not be tolerated. Disruptions which violate the Code of Student Conduct will be referred to the Dean of Students as the instructor deems appropriate. (UNTD Policy 7.001)